

Exhibit “A”

Northern Penn Legal  
33 North Main Street  
Pittston, PA 18640  
570-299-4100

**THOMAS W. MUNLEY, ESQUIRE**

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Attorney I.D: 92379  
Attorney for Plaintiff

MAURI B. KELLY  
LACKAWANNA COUNTY  
2022 SEP 23 A 11:49  
CLERK OF JUDICIAL  
RECORDS CIVIL DIVISION

LILLIAN VARGAS	:	IN THE COURT OF COMMON PLEAS
	:	OF LACKAWANNA COUNTY
	:	
Plaintiff	:	
	:	
vs.	:	
	:	CIVIL ACTION - LAW
WALMART SUPERCENTER STORE	:	JURY TRIAL DEMANDED
#4276	:	
	:	
Defendant	:	DOCKET NO: 21-CV-4251

**COMPLAINT**

AND NOW, comes the Plaintiff, LILLIAN VARGAS, by and through her counsel, Thomas W. Munley, Esquire, for her Complaint against the Defendant, WALMART SUPERCENTER, hereby complains as follows:

1. Plaintiff, LILLIAN VARGAS, is an adult and competent individual residing at 537 N. Washington Avenue, Scranton, Lackawanna County, Pennsylvania 18509.
2. Defendant, WALMART (hereinafter referred to as "WALMART"), is a business corporation, a corporation organized and existing under the laws of the State of Pennsylvania, licensed to do business in the Commonwealth of Pennsylvania, with a place of business located at the 1320 South Main Avenue, Taylor, Lackawanna County, Pennsylvania 18517.
3. At all times mentioned herein, the Defendant, WALMART, is the owner and/or in control of the premises located at the, 1320 South Main Avenue, Taylor, Lackawanna County, Pennsylvania, commonly known as "WALMART" and had under its control, the supervision, construction and maintenance of the said premises.

4. At all times material hereto and for some time prior thereto, the Defendant, WALMART, has been and still is the owner and/or possessor of the premises located at, 1320 South Main Avenue, Taylor, Lackawanna County, Pennsylvania, 18517.
5. At all times mentioned herein and for some time prior thereto, the Defendant, WALMART, by and through its agents, servants, workmen or employees, had under its control, the supervision and maintenance of said premises located at, 1320 South Main Avenue, Taylor, Lackawanna County, Pennsylvania, 18517.
6. On or about 6<sup>th</sup> day of October, 2020, the Plaintiff, LILLIAN VARGAS, was lawfully on the above-described premises of the Defendant, WALMART, for the purposes of availing herself to goods and services therein provided.
7. As the Plaintiff was completed her shopping transaction at the cash register, she reached for her bags to leave when suddenly, and abruptly Plaintiff's right foot/ankle became entangled with the closed aisle chain, thereby causing the Plaintiff, LILLIAN VARGAS, to strike the floor and sustain severe bodily injuries as hereinafter more particularly described.
8. At the time of the fall, Defendant's floor was not safeguarded to protect their customers from sustaining injuries while walking and or exiting through their establishment. WALMART did not provide any type of hazard/warning signs alerting their business invitees of the imminent danger which existed in the area walkway of the cash register aisle, as discussed more particularly within this Complaint.
9. The fall in question was caused solely by the negligence and carelessness of the Defendant, and in no way due to any act or failure to act, upon part of the Plaintiff, LILLIAN VARGAS.
10. The Defendant, WALMART, as the owner of the above-described premises, by and through its agents, servants, workmen or employees, had a duty to keep and maintain the area in said premises in a reasonable, safe condition and free from hazards for public travel thereon.
11. At all times material hereto, the Plaintiff, LILLIAN VARGAS, was a business invitee.

COUNT I

LILLIAN VARGAS

v.

WALMART SUPERCENTER

12. The Plaintiff, LILLIAN VARGAS, incorporates by reference paragraphs 1 through 11, inclusive, as if the same were fully set forth herein at length.
13. At the time of the aforementioned incident, the carelessness and negligence of the Defendant, WALMART, by and through its agents, servants, workmen or employees, consisted of the following:
  - a. The Defendant, on the above-mentioned date and for some time prior thereto, carelessly and negligently allowed dangerous condition to exist on the walkway area of the above-described premises located at, 1320 South Main Avenue, Taylor Lackawanna County, Pennsylvania;
  - b. The Defendant was negligent in maintaining and supervising the condition of said walkway on the premises located at, 1320 South Main Avenue, Taylor Lackawanna County, Pennsylvania.
  - c. The Defendant should have given notice to the general public, more particularly, the Plaintiff, LILLIAN VARGAS, of the dangerous existence of the above-mentioned premises, prior to the happening of the said accident;
  - d. The Defendant was negligent in allowing the chain to be in the aisle of where customers walk and failing to correct any safety hazard.
  - e. Defendant failed to take proper precautions to ensure the safety of the Plaintiff who was a business invitee of the premises/facility;
  - f. The Defendant was negligent in failing to properly position the aisle/walkway chain barrier;
  - g. The Defendant was negligent in failing to mention dangerous conditions with the walkway area; and
  - h. Failed to perform adequate inspection of the area, this would have revealed the existence of a dangerous condition;

- i. Failed to take proper precautions to ensure the safety of Plaintiff.
14. All of the above-mentioned negligence and condition existed for time prior to the incident which occurred on the 06<sup>th</sup> day of October, 2020.
15. The Plaintiff, LILLIAN VARGAS, was a business invitee of the Defendant, WALMART, and was never warned about the dangerous condition which existed in the walkway of the premises owned and/or possessed by the Defendant, WALMART, located at, 1320 South Main Avenue, Taylor, Lackawanna County, Pennsylvania.
16. The Plaintiff, LILLIAN VARGAS, avers that prior to this occurrence, she had no notice or knowledge of the existence of the aisle chain barrier on the above-described premises which constituted a dangerous condition, a public nuisance, and made it dangerous to travel upon the above-mentioned premises.
17. The Defendant, WALMART, had actual or constructive knowledge of the existence of the walkway on the above-described premises in sufficient time prior to the Plaintiff's accident to provide appropriate maintenance and to correct said defect.
18. As a result of the aforementioned negligence of the Defendant, WALMART, the Plaintiff, LILLIAN VARGAS, sustained severe and permanent injuries, including, but not limited to, **HEAD INJURY, BACK PAIN, NECK PAIN, THORACIC SPINE PAIN, LEFT WRIST PAIN, RIGHT UPPER ARM, LEFT SHOULDER PAIN and LEFT HIP PAIN** and was made to undergo great mental anguish and physical pain, as a result of which she has suffered, yet suffers and will continue to suffer in the future, since these injuries are permanent in nature.
19. As a result of the aforementioned negligence of the Defendant, WALMART, the Plaintiff, LILLIAN VARGAS has been compelled to pay, lay out and expend various sums of money for medicine and medical attention in and about endeavoring to treat and cure herself of her injuries and will be obligated to make similar expenditures for an indefinite period of time in the future, since these injuries are permanent in nature.

**WHEREFORE**, the Plaintiff, LILLIAN VARGAS, claims damages from the Defendant, WALMART, in the amount upon the forgoing Cause of Action, in excess of Fifty Thousand (\$50,000.00) Dollars.

Respectfully Submitted:

MINORA KROWIAK MUNLEY BATYKO

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THOMAS W. MUNLEY, ESQUIRE  
700 Vine Street  
Scranton, PA 18510  
Phone: 570-961-1616  
Attorney for Plaintiff  
Attorney I.D. 92379

**VERIFICATION**

I, LILLIAN VARGAS, hereby verify that I am in the Plaintiff in the present action; that I have reviewed the facts set forth in the foregoing COMPLAINT and they are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 18 PA C.S.A. Section 4904 relating to unsworn falsification to authorities.

DATE:

9/23/22

Lillian Vargas  
LILLIAN VARGAS



**THOMAS W. MUNLEY, ESQUIRE**

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LILLIAN VARGAS

Plaintiff

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WALMART SUPERCENTER STORE  
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: DOCKET NO: 21-CV-4251

**CERTIFICATE OF SERVICE**

I, THOMAS W. MUNLEY, ESQUIRE, Counsel for Plaintiff, do hereby certify that I have served the COMPLAINT upon the following person(s) by depositing the same in the United States Mail, first class mail, postage pre-paid, addressed as follows:

ATT: Joseph J. Shields, Esq  
Thomas, Thomas & Hafer  
Cross Creek Pointe  
1065 Highway 315, Ste 403  
Wilkes-Barre, PA 18702

Date: September 23, 2022

  
THOMAS W. MUNLEY, ESQUIRE  
Attorney for Plaintiff  
Attorney I.D. 92379

Attorney ID # 92379